

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

WP(C).No. 10633 of 2006(N)

PETITIONER:

M/S.CENTURY INDUSTRIES,
PUTHUTHURUTHY, THRISSUR, REPRESENTED BY
ITS MANAGING PARTNER, P.K.FRANCIS,
AGED 43 YEARS, S/O.P.O.KOCHUVARKEY.

BY ADV. SRI.NISHIN GEORGE VIJAYABABU
SRI.P.PAULOCHAN ANTONY

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVAN, PATTOM, THIRUVANANTHAPURAM
REPRESENTED BY THE SECRETARY, K.S.E.B.
2. DEPUTY CHIEF ENGINEER,
APTS (HQ), K.S.E.B., PATTOM,
THIRUVANANTHAPURAM.
3. ASSISTANT ENGINEER,
ELECTRICAL SECTION, KUNDANNOOR,
THRISSUR.

BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB
ADV. SHRI.C.K.KARUNAKARAN, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 22/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE INSPECTION REPORT PREPARED by the 3RD RESPONDENT DATED 13/05/2005.

P2 : COPY OF THE SITE MAHAZAR PREPARED BY 3RD RESPONDENT UNDER THE DIRECTION OF APTS IN THE MATTER OF THE PETITIONER FIRM.

P3 : COPY OF THE PENAL BILL ISSUED.

P4 : COPY OF THE APPEAL PREFERRED BEFORE the 2ND RESPONDENT.

P5 : COPY OF THE ARGUMENT NOTES OF THE COUNSEL FOR THE PETITIONER.

P6 : COPY OF THE SITE MAHAZAR PREPARED by the 3RD RESPONDENT IN THE MATTER OF M/S. DINI RUBBER WORKS.

P7 : COPY OF THE IMPUGNED ORDER DATED 25/03/2006.

P8 : COPY OF THE REVISED BILL DATED 29/03/2006 FOR A TOTAL AMOUNT OF RS. 3,29,940/-.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 10633 of 2006

Dated, this the 22nd day of August, 2007

J U D G M E N T

Petitioner is challenging Ext.P7 order, whereunder the Deputy Chief Engineer granted only partial relief on petitioner's appeal against penal electricity bill. I heard learned counsel for the petitioner and the learned Standing Counsel for KSEB. Petitioner's argument is that he has not tampered with the meter. Petitioner has also relied on a certificate by the Field Engineer of the KSEB that meter was OK. However, on going through Ext.P7, I find, penal bill is raised based on the findings of Anti Power Theft Squad after inspection that petitioner tampered with interior connections in the meter by interchanging pressure coil connections and thereby permitting recording of only 16% of the actual consumption. The meter was checked by using standard Achuckeck and it was found that only 16% of the consumption of the energy was recorded. Besides this, it was found that the outside seal of the meter was fake and manipulated. I do not think there is any justification to reverse the findings because all these facts are found based on evidence collected during inspection by Anti Power Theft Squad. I

find that the Deputy Chief Engineer has granted substantial relief by estimating consumption only for 2 shifts a day i.e for 16 hours a day and evaded consumption originally fixed at 85% was reduced to 75%. Moreover, working of the factory was favourably estimated at only for 25 days in a month and the penal bill is charged only for six months in terms of the statute. Therefore, there is no ground to interfere with Ext.P7 order in appeal, which is a well reasoned order. However, petitioner is granted two equal monthly instalments to clear the arrears, first of which will be paid on or before 20/09/2007 and the balance on or before 20/10/2007.

This writ petition is accordingly dismissed.

(C.N.RAMACHANDRAN NAIR, JUDGE.)